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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,682

03/03/2004

Martin LeVan

2286

7590

02/09/2006

James C. Wray
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EXAMINER

LABBEES, EDNY

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/790,682	LEVAN ET AL.	
	Examiner	Art Unit	
	Edny Labbees	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/17/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lights for illuminating the support with color must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 6,046,686).

Regarding Claim 1, Mitchell discloses *Violation Alert Speed Display* that has the following claimed limitations:

Claimed casing is met by the frame (unlabeled) (see Fig. 1); claimed speed indicator support mounted on the casing is met by the front panel (unlabeled) mounted on the frame (unlabeled) (See Fig. 1); claimed numerical speed indicators is met by numerical speed indicators display (130) (See Fig. 1); claimed power supply is met by a battery (unlabeled) (See Col. 2 Ins 47-50); claimed display differentiator is met by the display driver (160) (see Col. 2 Ins 38-44). Mitchell discloses a system where the display driver (160) outputs two colors indicating overspeed and compliant speed respectively. Mitchell however does not disclose that the color that is being outputted from the display driver (160) is green and red. Rather, Mitchell discloses that the colors are amber and red. As long as the amber and red indicators disclosed by Mitchell performs its desired functionality, one ordinary skilled artisan would readily recognize that using the amber color disclosed by Mitchell or using the claimed color green in claims 1 would not constitute an inventive concept but an obvious design choice.

Regarding Claim 2, claimed set compliance speed control and speed sensor is met by the software disclosed in Mitchell's invention that controls the display settings (see Col. 2 lns 14-16 and Fig. 4). Mitchell does not specifically disclose the system comprising a controller. Official Notice is taken that both the concept and the advantages of providing a controller in electronic systems are well known and expected in the art. It would have been obvious to include a controller in the system of Mitchell, as the controllers are critical and necessary components for the system to function.

Regarding Claim 3, claimed apparatus wherein the indicator changes flashing red corresponding to the vehicle above the compliant speed is met by the apparatus of Mitchell where the indicator flashes red when the vehicle speed is greater than the preset violation speed (See Col. 2 lns 39-50 and Col. 3 lns 10-13). Mitchell discloses a system where the indicators displays a constant amber to indicate that the vehicle is at or below the preset vehicle speed but does not the color being green (see Col. 2 lns 64-67 and Col. 3 lns 1-2). However, as long as the amber and red indicators disclosed by Mitchell performs its desired functionality, one ordinary skilled artisan would readily recognize that using the amber color disclosed by Mitchell or using the claimed color green in claims 1 would not constitute an inventive concept but an obvious design choice.

Regarding Claim 4, Mitchell discloses all of the claimed limitations. Claimed indicator comprising segmental digital display is met by the indicator comprising seven segment LEDs (132 and 134) (See Col. 2 lns 39-50 and Fig. 1).

Regarding Claim 5, see above rejection to claim 3-4. Claimed segment including light-emitting diodes for producing red or green wavelengths is met by the seven segment LEDs that produces a red wavelength (see Col. 2 Ins 39-50).

Regarding Claim 6, Mitchell discloses all of the claimed limitations. Mitchell shows rows and columns of segments constituting an array, (see Fig. 3).

Regarding Claim 7, claimed segment having bright and color light emitters for illuminating the segments is met by the apparatus of Mitchell having two sets of (LEDs) capable of displaying at least two colors (See Col. 2 Ins 43-46).

Regarding Claim 10, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 11, the claim is interpreted and rejected as claim 2 stated above.

Regarding Claim 12, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 13, the claim is interpreted and rejected as claim 4 stated above.

Regarding Claim 14, the claim is interpreted and rejected as claim 5 stated above.

Regarding Claim 15, the claim is interpreted and rejected as claim 6 stated above.

Regarding Claim 16, the claim is interpreted and rejected as claim 7 stated above.

4. Claim 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 6,046,686) in view of Durinzi Jr. et al. (US 6,427,369).

Regarding Claim 8, see above rejection in reference to claim 4. Mitchell does not disclose the apparatus has lights for illuminating the supporting with color. However Durinzi teaches *Advertising Kiosk* that includes an illuminating support that encloses diffuser sheets, which can be colored or uncolored, see Col. 5 ln 25 and Col. 7 Ins 44-47. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Durinzi into the system of Mitchell to illuminate the support with color.

Regarding Claim 17, the claim is interpreted and rejected as claim 8 stated above.

5. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell and Hoffman (US 4,173,010) further in view of Martell et al. (US 5,317,311).

Regarding Claim 9, Mitchell does not specifically disclose a system having a memory to store various information such as, time, number of vehicles speeds sensed, number of vehicle over the speed limit and the average vehicle speed. However it is known in the art to have statistics because it is very useful in making selective enforcement traffic surveys. Hoffman discloses *Traffic Sign And Improved System For Recording Vehicle Speed* that teaches a system mounted along the side of the road comprising logic circuits (60). The logic circuits (60) include violation counter (62) and a

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traffic counter (64). The violation counter (62) counts the total number of vehicles exceeding any predetermined speed limit in one direction. The traffic counter (64) counts the total traffic in one direction. In addition, Hoffman teaches an upper sign panel (44) provided with a clock (46) mounted on the system to indicate the time (See Fig. 1, Fig. 2 and Fig. 3, Col. 3 Ins 34-36, Ins 49-67 and Col. 5 Ins 1-15). Mitchell and Hoffman do not disclose a system that has the average vehicle speed. Martell discloses *Traffic Congestion Monitoring System* that teaches a system where the average speeds of the vehicles are measured (see Col. 3 Ins 63-68, Col. 4 Ins 1-5 and Col. 7 Ins 28-31). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Martell and Hoffman into the system of Mitchell to promote orderly movement of traffic at an expeditious and safe rate of speed.

Regarding Claim 18, the claim is rejected and interpreted as claim 9 stated above.

Response to Arguments

6. Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive.

In reference to claims 1, 2, 10 and 11, in response applicant's argument that the proposed modification of the prior art changes the principle of operation of the prior art being modified. Mitchell teaches a system where the colors that are outputted to indicate whether the vehicle is over or within the speed limit are red and amber. The

applicant claims the colors red and green. However as long as the amber and red indicators disclosed by Mitchell performs its desired functionality, one ordinary skilled artisan would readily recognize that using the colors disclosed by Mitchell or the colors disclosed by the applicant does not constitute an inventive concept but an obvious design choice. Examiner did take in consideration, applicant's argument about the viewer being accustomed to amber indicating slowing down. However, since only two colors are outputted from the system, it is clearly up to the designer to change the colors however he or she sees fit.

In reference to claims 8 and 17, Durinzi Jr. describes a system where the advertising kiosks that includes illuminating support which can be colored. It would have been obvious to combine the references of Mitchell and Durinzi to provide illumination to the support so that the driver can see it more clearly, regardless if the system of Durinzi is an advertising kiosk.

In reference to claims 9 and 18, Arguments Applicant's arguments with respect to claims 9 and 18 have been considered but are moot in view of the new ground(s) of rejection using Hoffman and Martell.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis et al. *Traffic Monitoring System*, (US 5,935,190)

Dekock et al. *System For Providing Traffic Information*, (US 6,574,548)

Haeri, *Speed Minder*, (US 5,659,290)

Hein, *Portable Traffic Control System with Television...*, (US 3,729,706)

L.J. Carey et al. *Selective Speed Signs Actuated By...*, (US 3,544,958)

Young, *Traffic Speed Radar Unit*, (US 5,159,345)

Al-Ahmed, *Traffic Speed Surveillance and Control System*, (US 6,384,740)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BENJAMIN C. LEE
PRIMARY EXAMINER